

CHARLES RUSNELL - RE: Tobacco update

From: Dan Laville <Dan.Laville@gov.ab.ca>
To: 'CHARLES RUSNELL' <CHARLES.RUSNELL@CBC.CA>
Date: 7/5/2012 6:33 PM
Subject: RE: Tobacco update
Attachments: Information Sheet.doc

Hi Charles,

Here is the info re: your questions about the tobacco litigation selection process:

- On October 25, 2010 the Government of Alberta (GoA) announced that it would initiate legal action against the tobacco industry to recover health care costs pursuant to Part 2 of the Crown's Right of Recovery Act (CRRRA).
- On or about November 1, 2010, the attached Information Sheet was emailed to several law firms that GoA knew were interested in representing the GoA in the litigation, or who government thought might be interested.
- GoA opted for a selection process that was a bit more formal than the usual process due to:
 - The size of the litigation, as well as its significance to the GoA
 - GoA wanted the file done on a contingency fee basis rather than paying outside counsel by the hour. GoA doesn't usually proceed on a contingency basis; however the Province is usually a defendant, not a plaintiff, and usually pays law firms an hourly fee based on a lawyer's experience.
 - GoA knew several firms/consortiums were interested and anticipated that the competitiveness of a more formal process would ultimately result in better proposals.
- Ultimately the Province received four written expressions of interest. Three were from consortiums of lawyers and law firms; one was from a law firm.
- The process was carried out on a confidential basis and GoA is not naming those who participated.
- In addition to providing written proposals, the three consortiums were invited to make oral presentations to a Review Committee. All consortiums accepted the invitation, and appeared before a Review Committee at various times in December, 2010.
- The Review Committee consisted of an ADM from Health, an ADM from Justice, and a senior litigation lawyer from Justice.
- The Review Committee's recommended three consortiums were capable of adequately conducting the litigation; all three consortiums had unique strengths and weakness.
- On December 14, 2010, then Justice Minister, Alison Redford, determined that TRL consortium provided the best made in Alberta litigation plan. The decision was communicated to the consortiums and law firm shortly thereafter.
- The Minister of the day, Verlyn Olson, and TRL signed a Contingency Fee Agreement in June, 2011.

Thanks,
 Dan

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